UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,538	03/14/2001	Craig Mowry	P/2293-14	3814

2352	7590	12/14/2005

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER
DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-54 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-17, 19-34, 36-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Greening (2001/0013009) in view of Harvey (2002/0059379).

Claims 1, 15-17, 19, 20, 29-34, 41-44, 53, 54:

Greening discloses providing an electronic architecture which stores data related to

individual personal traits and preference;

Receiving personal trait and preference data from one or more individuals;

Compiling the received data;

Storing the compiled data into records in the electronic architecture searchable by micro-

demographics;

Enabling the searching of the records based on the micro-demographics (Fig. 1; 2; 4; 5; 7;

8; 11; and the below):

"[Abstract] A marketing system and method predicts the interest of a user in specific

items--such as movies, books, commercial products, web pages, television

programs, articles, push media, etc.--based on that user's behavioral or

preferential similarities to other users, to objective archetypes formed by

assembling items satisfying a search criterion, a market segment profile, a

demographic profile or a psychographic profile, to composite archetypes formed

by partitioning users into like-minded groups or clusters then merging the

attributes of users in a group, or to a combination. The system uses

subjective information from users and composite archetypes, and objective

information from objective archetypes to form predictions, making the system

highly efficient and allowing the system to accommodate "cold start" situations

where the preferences of other people are not yet known (Abstract).

[0020] In sum, the present invention provides a marketing system and method which:

[0021] uses the item preferences or item-related behaviors of a <u>user to find</u>

other people with similar preferences, then uses those people to predict the

<u>user's</u> response to new items; can produce a reasonably accurate predicted

rating, even when no other person has rated an item; incorporates both

subjective criteria (<u>user</u> preferences and behaviors) and objective criteria

(attributes of items or market data) to make the best possible recommendation;

performs collaborative filtering using the combined wisdom of groups of

like-minded people; can use an existing <u>database</u> of items, classified by

different characteristics; builds a <u>database</u> of "mentors" who have high

affinity to specific <u>users,</u> which mentors can be used to infer various

characteristics of the <u>users</u>; composes archetypes that represent bodies of

thought, points of view, or sets of product preferences found in a group of

people; and substitutes for demographic and psychographic characterizations of

groups of people.

[0048] The composite archetype process 103 successively finds user groups

satisfying a criterion indicating like-mindedness using a find like-minded

group step 112. The criterion can include demographic or psychographic

information stored in the rater table 118, or can be based solely on similar

ratings found in the rating table. Then a build composite archetype step 113

computes the ratings of the composite archetype from the ratings of the raters

in the group, and stores the composite ratings in the rating table 119. This

process is described in more detail below.

[0064] If the decision 202 is the predict rating step 107, the system next gets

a requested item using a get item step 204. The get item step 204 gets a

criterion by the user selecting the item from a menu or entering the name of

the item in a search field, then finding the unique item satisfying the

criterion. Another embodiment allows a broader criterion, and the method then

obtains successive predictions for each item satisfying the criterion.

[0065] Next, a build prediction vector(item) step 207 calls the build

prediction vector subroutine with a search criterion that predicted items must

satisfy. The build prediction vector subroutine fills in the prediction vector

and returns.

[0080] FIG. 7 is a flowchart showing of steps in the composite archetype

process 103. This process <u>finds</u> groups of like-minded raters, merges them into

a single rater, and stores the result. First, a <u>find</u> like-minded group step

112 <u>finds</u> user groups satisfying a criterion indicating like-mindedness. The

criterion can be based on demographic or psychographic information stored in

the rater table 118, or on users clustering around similar ratings found in the

rating table 119.

[0081] One embodiment for <u>finding</u> like-minded groups views the situation as a

partitioning problem over all the users, which problem is to optimize the

overall like-mindedness of each partition. Each partition then becomes a

like-minded group for the <u>find</u> like-minded group step 112".

Greening does not explicitly disclose that the individual user can search the

demographics database.

However, Harvey discloses that the individual user or a member can search the

demographics database of users or members:

"[0087] Another set of functions are related to finding, creating and building

communities. A <u>Create Function 3025</u> may allow a user to create a new

community, as set forth above in FIG. 2. An Invite Function 3035 may allow a

user to invite others to join a community. A Navigation Function 3030 may

allow a user to browse through a hierarchical representation of communities and

content to find communities they may wish to join or community content they

want to view. A Pal Function 3040 may allow a user to maintain a "Pals" list

of people whom they wish to have available for communication at all times. A

Search Function 3045 may enable a user to search for communities, vendors,

products or users. An Exit Function 3055 may enable a user to exit a

community. A Community Store 3050 Function may enable a user to purchase

items. Various functions will now be described in greater detail below.

[0119] Field Matching

[0120] A user may select Search Function 3045 to search for communities, users,

vendors, and/or products. As described above, a creator may designate one or

more community fields, and a user may designate a user field. According to an

embodiment of the invention, a vendor may designate a vendor field. A vendor

may have a product to sell to one or more users and/or communities. A vendor

may describe the product by providing information for vendor fields. Vendor

fields may comprise a category or categories of interest, language, location,

age group, and meta-tags of interest associated with the product. According to

an embodiment of the invention, vendor fields, community fields, and user

fields may have corresponding information. Central controller module 115 may

have a field matching function associated therein to match users, communities,

and vendors based on the fields provided. A user may provide information in a

user field. According to an embodiment of the invention, a user may designate

user fields when creating a profile. User fields may also be designated by

signing on to a mailing list. Field matching may occur periodically, (e.g.,

hourly, daily, weekly, etc.) and the results may be presented to a user.

According to an embodiment of the invention, field matching results may be

presented when a user enters a community, such as when a user enters (e.g.,

logs into) a community. Field matching results may be presented to the user.

By way of example, a user may enter the "Omaha Sailing Club" community and be

presented with vendor fields and community fields. The vendor field may

describe a book, in english, about sailing races around the world. The

community field may describe anther newly created sailing community, where the

membership is in Lincoln, Nebr. According to another embodiment of the

invention, a community may have a field matching area, where a user may access

the field matching function to learn about other products and/or communities.

A user may provide information for a user field, and may activate the field

matching function. Other manners of field matching may also be used.

[0135] In either case, on the user's first visit, the user is prompted to

register, and does register with the service via central controller at steps

535 and 540 so that information can be gathered as necessary prior to game

play. A registration form (or other means for providing the requested

information) is completed by the user and may then be sent by client 110 to

central controller module 115 at step 545. Information completeness is checked

at step 550. If the information provided by the user is incomplete, follow-up

questions may be sent to the user at step 555. The user then provides answers

to follow-up questions 560".

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to add Harvey's user searchable database of users to Greening's

searchable database of users with similar interests. One would have been motivated to do this in

order to allow communication or resource sharing between users with similar interests.

In regards to claim 31, Harvey discloses utilizing message boards for communicating

([2], [5], [8]). It would be obvious that Greening's users can utilize a message board as a

message board is a standard way of users to communicate utilizing the Internet.

Claim 2-10, 21-25, 36, 37, 45-49: Greening further discloses providing incentives,

advertisements, advertisements inciting purchasing, and correlating or cataloguing

advertisements and products ([15]; [49]; [126]).

Claim 11, 26, 38, 50: Greening further discloses that the personal preference data

includes visual and audio data of the one or more individuals ([34]).

Harvey further discloses that the personal preference data includes visual and audio data

of the one or more individuals ([55]).

Claims 12-14, 27, 28, 39, 40, 51, 52: Greening further discloses presenting questions to

the user ([15]).

Harvey further discloses presenting questions to the user ([135]).

3.   Claims 18 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Greening (2001/0013009) in view of Harvey (2002/0059379) in view of Goldstein

(20010032115) in view of Masi (6,105,001).

Claim 18, 35 : Greening does not explicitly disclose receiving incentives in response to

recruiting others to input their personal preference data.

However, Goldstein discloses users or members being rewarded for a variety of activities including providing personal preference data ([99]).

Goldstein further discloses collecting personal information of new members ([10])

Masi discloses rewarding users for recruiting new members (col 4, lines 30-35; col 4, lines 55-62).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Goldstein's rewarding members for providing preference information and signing up new members and Masi's rewarding users for recruiting new members to Greening's new members and members providing personal information. One would have been motivated to do this in order to provide a way to increase the users utilizing the system.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Bergh (6,112,186) discloses matching similar users;

b) Bieganski (6,321,221) discloses matching similar users;

c) Goldhaber (5,794,210) discloses a user demographic database;

d) Messina (2003/0061215) discloses users searching for users with similar characteristics:

"[0006] Another related problem is that the planetary scope of the Internet makes it difficult for users to find and communicate with other users who share interests in similar kinds of information. Websites, chat rooms, and forums

devoted to particular topics, such as health, have emerged in recent years.

However, the information shared through these websites, chat rooms, and forums

is too often sparse and of poor quality, since many participants behave as

spectators and do not actively contribute information. Moreover, direct

competition between the websites, chat rooms, and discussion forums for users

generally leads to smaller, fragmented communities of users, thwarting

development of larger aggregate communities".

     e) Dalal (2002/0065894) discloses users searching for users with similar characteristics:

     "[0003]...Users can create a personal network using search engines to locate others with

similar backgrounds and/or interest. Current instant messaging systems use

presence servers, but these are limited in that they do not all support the

variety of terminal devices that may be employed by a customer of the service".

     f) MacNaugton (6,020,884) discloses users searching for users with similar

characteristics:

     "(22)   The present invention allows Web users to form on-line relationships

with Community members, to communicate with others of similar interest or

backgrounds, and to view Community content. The Communities of the present

invention may serve as a starting or focal point for Web navigating. The

present invention provides a structure for a Web experience and helps users

avoid being overwhelmed or overloaded by the complexity of the Web. The

features and benefits of the present invention may be better understood by

referring to the following description in conjunction with the accompanying

drawings.

(17). .. A <u>membership</u> capability may include

functions that support listing (list of <u>members</u> currently participating in a

<u>community</u>), profile (access <u>member</u> profile data), modify (personal profile

data), and <u>search (community membership</u>), etc".

g) Sutcliffe (6,052,122) discloses users searching for users with similar characteristics:

"(13) As the popularity of the Internet has increased, some newspapers and

other print publications now provide personal advertisements on various web

sites. One such example is an on-line personal advertisement system having a

plurality of users. Each user selects a set of criteria, such as height, body

type, and interests, that must be met by another user. Upon <u>request of a user,</u>

the system <u>searches</u> the database for other <u>users that meet</u> the criteria of the

<u>requesting user</u>. In this way, a list of potential candidates is provided that

the user may have an interest in contacting to begin a relationship or engage

in activities of mutual interest".

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The

examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arthur Duran
Patent Examiner
11/23/05